

REMARKS

Introduction

Claims 1 – 6 were originally pending in the present application. Claims 1 - 6 were preliminarily amended, and claim 7 was preliminarily added. Claims 1, 4, and 7 have been amended herein. Claims 2, 3, 5, and 6 have been cancelled. Accordingly, claims 1, 4, and 7 are presently pending for consideration in this application. No new matter has been added.

Information Disclosure Statement

An information-disclosure statement (IDS) was filed on January 2, 2004 listing U.S. Patent Application Publication 2002/0080125. However, this publication was not considered because it does not pertain to the invention disclosed in the present application. However, the applicant mistakenly identified the publication on the IDS. The correct document is U.S. Patent Application Publication 2003/0080125 (Cassani) published on May 1, 2003 and disclosing a cargo-management system. The applicant apologizes for this mistake and respectfully requests that the correctly identified publication be considered.

Claim Rejections

35 U.S.C. § 102(b)

Claims 1 - 2 and 4 - 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Heinz '592 patent. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claim 1 has been amended to include the respective limitations of claims 2, 3, 5, and 6. Claims 2, 3, 5, and 6 have been cancelled. Each of claims 4 and 7 has been amended to correspond to amended claim 1 from which it depends. No new matter has been added.

Thus, as explained in detail below, the applicant respectfully submits that each and every limitation of amended independent claim 1 cannot be found in the Heinz '592 patent. Claim 4 is ultimately dependent upon independent claim 1 and adds further perfecting limitations. Accordingly, the applicant respectfully traverses these rejections and requests that they be withdrawn.

35 U.S.C. § 103(a)

Claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over the Heinz '592 patent in view of the Dixon '502 patent. More specifically, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to make the storage container as taught by Dixon in order to ensure durability while storing heavier items. Claim 3 has been cancelled, and claim 7 is ultimately dependent upon independent claim 1. In view of the amendments to claim 1 as noted above, the applicant cannot agree that the invention defined in claim 1 would have been obvious over the Heinz '592 patent in view of the Dixon '502 patent. Accordingly, these rejections are respectfully traversed.

The Prior Art

The Heinz '592 Patent

The Heinz '592 patent discloses a cargo-compartment cover and item-support assembly 20 for use in a motor vehicle 10 having a cargo compartment 5. The assembly 20 includes a selectively deployable cover 30 attached at a trailing-edge portion 32 thereof to a cover-support member 40, and at least one item-support member 50 is secured to a leading-edge portion 34 of the cover 30. The item-support member 50 may include a storage tray 60, a container receptacle 70, a retainer hook 80,

or any combination or plurality thereof. A handle 90 may be mounted to or formed integral with the item-support member 50 to facilitate deployment of the cover 30. Attachment members 54, 56 may be mounted to or formed integral with the item-support member 50 to facilitate attachment of the leading-edge portion 34 of the cover 30, when deployed, to the vehicle 10.

More specifically, the cover-support member 40 includes a rotationally biased, elongated roller tube 42 and end caps 44 mounted to respective ends of the roller tube 42. The trailing-edge portion 32 of the cover 30 may be secured to the roller tube 42—for example, by an adhesive—by an anchor groove or other attachment means. The end caps 44 are adapted to be received in appropriate receptors in respective opposed side panels of the vehicle 10 for mounting the cover-support member 40 to the vehicle 10 in supporting relationship therewith and in such a manner that the cover 30 may be unwrapped from the roller tube 42 by pulling on the leading-edge portion 34 of the cover 30, as one would pull on a window shade, to selectively deploy the cover member 30 over the cargo compartment 5.

However, the Heinz '592 patent fails to disclose or suggest a trunk-space-storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. The Heinz '592 patent also fails to disclose or suggest a trunk-space-storage system in which each of a pair of front recesses and a pair of back recesses are located at respective opposite sides of the trunk space. The pair of front recesses support respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. This patent also fails to disclose or suggest a trunk-space-storage system in which at least one storage container is removably supported by the front and back cross-car bars.

The Dixon '502 Patent

The Dixon '502 patent discloses a collapsible trunk-spacer apparatus 10 for a trunk of an automobile. The spacer apparatus 10 includes a generally rectangular, collapsible carrier unit 11 having generally rigid end panels 21, 22 and generally flexible side walls 23, 24. Each of the side walls 23, 24 is operatively associated with an upper and a lower telescoping support unit 12 for varying the length of the carrier unit 11 and moveable divider units 13 for creating individual compartments within the carrier unit 11. In addition, each of the side walls 23, 24 is provided with an upper and a lower row of a plurality of spaced loops 26. Each row is adapted to receive a support unit 12.

However, the Dixon '502 patent fails to disclose or suggest a trunk-space-storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. The Dixon '502 patent also fails to disclose or suggest a trunk-space-storage system in which each of a pair of front recesses and a pair of back recesses are located at respective opposite sides of the trunk space. The pair of front recesses support respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. This patent also fails to disclose or suggest a trunk-space-storage system in which at least one storage container is removably supported by the front and back cross-car bars.

The Trunk-Space-Storage System of the Present Invention

In contrast to the related art, amended claim 1 of the present application discloses a trunk-space-storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. Each of a pair of front recesses and a pair of back

recesses are located at respective opposite sides of the trunk space. The pair of front recesses support respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. At least one storage container is removably supported by the front and back cross-car bars.

Argument

35 U.S.C. § 102(b)

As noted above, a claim is said to be anticipated where each and every limitation of the claim can be found in a single prior-art reference. In this case, one or more limitations of amended independent claim 1 cannot be found disclosed in the Heinz '592 patent. In particular, the Heinz device fails to disclose or suggest a trunk-space-storage system including front and back cross-car bars and at least one storage container removably supported by the front and back cross-car bars as claimed in amended claim 1 of the present application.

More specifically, the trunk-space-storage system of the present invention requires both the front and back cross-car bars and that the at least one storage container be removably supported by both the front and back cross-car bars. In this way, a storage container may be removed from the trunk space for easy transport of only the storage container outside of a car. In other words, such removal of a storage container does not require removal of both the storage container and the front and back cross-car bars.

Unlike the trunk-space-storage system of the present invention, the Heinz device includes only a single cover-support member 40 and at least one item-support member 50 only indirectly secured to the cover-support member 40 via the cover 30. Put another way, the item-support

member 50 is not directly supported by the cover support member 40. As a result, moving each item-support member 40 from immediately behind the back of a rear seat 12 toward the rear-door opening of the vehicle 10 requires unwrapping the cover 30 from the roller tube 42, which deploys the cover member 30 over the cargo compartment 5. This deployment can waste potentially valuable cargo space from immediately behind the back of the rear seat 12 to the item-support member 40 for cargo that is greater in height than the distance from the floor of the cargo compartment 5 to the cover 30.

Also, the item-support member 40 may not be removed from the cargo compartment 5 so that it can be easily transported outside of the vehicle 10. Rather, removal of an item-support member 40 from the cargo compartment 5 requires removal of not only the item-support member 40, but the cover-support member 40 and cover 30 as well. This results in a relatively cumbersome transport of the item-support member 40.

As can easily be seen, the Heinz device does not include both front and back cross-car bars. Also, the Heinz device does not include at least one storage container removably supported by the front and back cross-car bars.

Thus, the applicant respectfully submits that each and every limitation of amended claim 1 is not found nor suggested in the Heinz device. Therefore, it is respectfully submitted that amended claim 1 is allowable over the rejections under 35 U.S.C. § 102(b).

Claim 4 is dependent upon claim 1 and adds perfecting limitations. Therefore, the applicant respectfully submits that claim 4 is allowable over the rejection under 35 U.S.C. § 102(b).

35 U.S.C. § 103(a)

A rejection based on § 103(a) must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Thus, in the context of an analysis under § 103, it is not sufficient merely to identify one reference that teaches several of the limitations of a claim and another that teaches several other limitations of the claim to support a rejection based on obviousness. This is because obviousness is not established by combining basic disclosures of the prior art to produce the claimed invention absent a teaching or suggestion that the combination be made. Interconnect Planning Corp. v. Fiel, 774 F.2d 1132, 1143, 227 U.S.P.Q. (BNA) 543, 551 (Fed. Cir. 1985); In Re Corkhill, 771 F.2d 1496, 1501 - 02, 226 U.S.P.Q. (BNA) 1005, 1009 - 10 (Fed. Cir. 1985). The relevant analysis invokes a cornerstone principle of U.S. patent law:

That all elements of an invention may have been old (the normal situation), or some old and some new, or all new, is, however, simply irrelevant. Virtually all inventions are combinations, and virtually all are combinations of old elements. Environmental Designs v. Union Oil Co. of Cal., 713 F.2d 693, 698 (Fed. Cir. 1983) (other citations omitted).

A patentable invention . . . may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose without producing anything beyond the results inherent in their use. American Hoist & Derek Co. v. Sowa & Sons, Inc., 220 U.S.P.Q. (BNA) 763, 771 (Fed. Cir. 1984) (emphasis in original, other citations omitted).

Here, it is respectfully submitted that combining the upper support unit 12 on each of the side walls 23, 24 of the Dixon device with the Heinz device to support the item-support assembly 20 by both of the upper support units 12 does not result in the trunk-space-storage system of the type described in amended independent claim 1. More specifically, the item-support assembly 20 of the

combination of the Heinz and Dixon devices is not removably supported by the upper support units 12. Furthermore, the upper support units 12 of the combination of the Heinz and Dixon devices are not adapted to be removably received in the appropriate receptors in respective opposed side panels of the vehicle 10.

In addition, it is respectfully submitted that one must pick and choose respective elements from the structurally dissimilar devices disclosed in the corresponding Heinz '592 and Dixon '502 patents and combine these elements by restructuring them, using hindsight and the applicant's own disclosure, to conclude that the claimed invention is obvious. The applicant respectfully submits that this would be improper in view of the respective disclosures of the prior art. There is a fundamental axiom in U.S. patent law that if a reference must be reconstructed or rearranged to change its operation to meet an applicant's claim, that modification of the reference is inappropriate and cannot stand.

There is simply no motivation provided in either of the Heinz '592 and Dixon '502 patents to combine their respective teachings. Furthermore, even assuming that such a motivation existed, a combination of the Heinz '592 and Dixon '502 patents would require the cover 30 of the Heinz device to be eliminated to meet the applicant's claims.

The deficiencies in the teachings of the Heinz '592 patent are not overcome in the disclosure of the Dixon '502 patent. Thus, neither of the references, alone or in combination with the other reference, discloses or suggests the trunk-space-storage system described in amended claim 1.

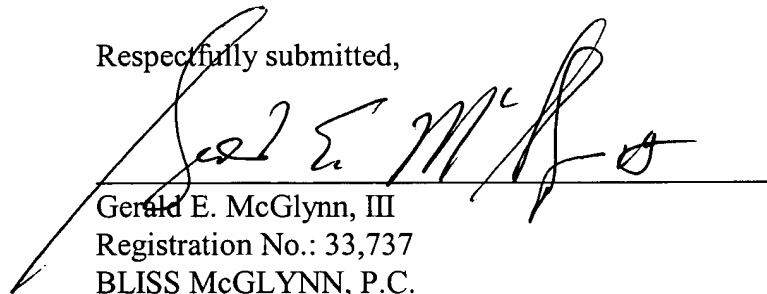
In view of the above, it is respectfully submitted that amended independent claim 1 recites at least one structural limitation that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of each of the references discussed above. Claims 2, 3, 5, and 6 have been cancelled. Claims 4 and 7 are ultimately dependent upon independent claim 1 and

add further perfecting limitations. As such, the prior-art references do not disclose or suggest the subject invention. However, even if they did, they could be applied only through hindsight after restructuring the disclosures of the corresponding references in view of the applicant's invention. A rearrangement of the devices described in the corresponding references to derive the applicant's invention would, in and of itself, be an invention.

Conclusion

Independent claim 1, as amended, recites structure that is neither disclosed nor suggested by the prior art and is patentably distinguishable from the cited art discussed above. Claims 4 and 7 are dependent upon claim 1 and add perfecting limitations. Accordingly, the applicant respectfully solicits allowance of the claims pending in the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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